MOTION FILED
FEB 6 - 1987

(5)

No. 86-1115

IN THE
Supreme Court of the United States
OCTOBER TERM, 1986

THE LOUISIANA LAND AND EXPLORATION COMPANY,
Petitioner,

v.

TEXACO, INC.,
Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of Louisiana

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE AND BRIEF AMICUS CURIAE OF NATIONAL ASSOCIATION OF ROYALTY OWNERS, INC. IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI OF THE LOUISIANA LAND AND EXPLORATION COMPANY

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February 6, 1987

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MOTION OF NATIONAL ASSOCIATION OF ROYALTY OWNERS, INC. FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF PETITION OF THE LOUISIANA LAND AND EXPLORATION COMPANY FOR WRIT OF CERTIORARI

NATIONAL ASSOCIATION OF ROYALTY OWNERS, INC. respectfully requests leave to submit the attached amicus curiae brief in support of the petition of The Louisiana Land and Exploration Company for writ of certiorari to the Supreme Court of Louisiana in the above-captioned case. Consent for the filing of this brief has been sought from counsel to all parties. Counsel to

Petitioner Louisiana Land and Exploration Company has consented to the filing of this brief. Counsel to Respondent Texaco, Inc. has not consented to the filing of this brief.

National Association of Royalty Owners, Inc. is an association of 5,000 royalty owners who receive mineral royalty payments for natural gas pursuant to mineral leases affecting their lands. These royalties are generally paid based upon the value of gas produced and sold by the producer/lessees. As such, the applicant is in a position to appreciate, and to bring to the Court's attention, the concerns of mineral interest owners generally regarding the broad impact and importance of the ruling of the Louisiana Supreme Court in this case.

WHEREFORE, the applicant requests that the Court grant this motion for leave to file the accompanying amicus curiae brief.

Respectfully submitted,

FRANK H. JACQUES
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Counsel for Amicus Curiae National Association of Royalty Owners, Inc.

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BRIEF AMICUS CURIAE OF NATIONAL ASSOCIATION OF ROYALTY OWNERS, INC. IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI OF THE LOUISIANA LAND AND EXPLORATION COMPANY

NATIONAL ASSOCIATION OF ROYALTY OWNERS, INC. submits this brief as amicus curiae in support of the petition for writ of certiorari of The Louisiana Land and Exploration Company.

INTEREST OF AMICUS CURIAE

National Association of Royalty Owners, Inc. is an association of 5,000 royalty owners who receive mineral royalties on natural gas pursuant to mineral leases affecting their lands. These royalties are generally paid

based upon the value of gas produced and sold by the producer/lessees. The National Association of Royalty Owners, Inc. therefore has a substantial interest in how the federal Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 *et seq.* (the "NGPA"), is interpreted and applied to the regulation of intrastate and interstate prices of natural gas.

ARGUMENT

National Association of Royalty Owners, Inc. is an association of 5,000 royalty owners who derive mineral royalties from granting mineral leases affecting their property to producers of oil and natural gas. Often, vast economic consequences to the parties to these proceedings may result from a particular interpretation of the NGPA. The attendant impact on the membership of the National Association of Royalty Owners, Inc. and other lessors, including the States, may be momentous.

The question presented by this case is one of those bearing great significance to the National Association of Royalty Owners, Inc. If the interpretation of the NGPA is upheld, it could cost all royalty owners, public and private, millions of dollars. That there is substantial room for disagreement over this interpretation is evidenced by the fact that two lower Louisiana courts and a minority of the Louisiana Supreme Court had a very different view. Given the importance and uncertainty with respect to this issue, the National Association of Royalty Owners, Inc. urges the United States Supreme Court to accept this case for review.

Respectfully submitted,

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